

**MINUTES OF THE SENATE STATE AND LOCAL AFFAIRS  
STANDING COMMITTEE  
FRIDAY, FEBRUARY 16, 2001  
ROOM 403, STATE CAPITOL BUILDING**

Members Present:           Sen. Carlene M. Walker, Chair  
                                  Sen. Beverly Ann Evans  
                                  Sen. Scott K. Jenkins  
                                  Sen. Paula F. Julander  
                                  Sen. Millie M. Peterson

Members Excused:         Sen. Peter C. Knudson  
                                  Sen. Al Mansell

Staff Present:             Richard North, Research Analyst  
                                  Nadine Woodhead, Secretary

Public Speakers Present:   Suzanne Winter, Science Center  
                                  Gavin Anderson, Salt Lake County Attorney  
                                  David Thomas, Attorney, Summitt County  
                                  Vaughn Butler, Salt Lake County Surveyor  
                                  Craig Moody, Sandy City  
                                  Michael Mazuran, Attorney Cottonwood Heights  
                                  Patrick Casaday, Deputy Mayor, Sandy City  
                                  Jan Furner, Utah Association Special Districts

Visitor List on File:

Chair Walker called the meeting to order at 8:10 a.m.

**MOTION:** Sen. Peterson moved to approve the minutes of February 14, 2001.

The motion passed unanimously with Sen. Evans absent for the vote.

**1.    H.B. 77 State Science Center (A.L. Tyler)**

Rep. Tyler explained the bill and distributed the following amendments:

1.    Page 1, Line 8:       After "**only, to**" insert "**the Department of Community and Economic Development for**"
2.    Page 5, Line 145:    After "General Fund to" insert "the Department of Community and Economic Development for"

**MOTION:** Sen. Peterson moved to adopt the amendments.

The motion passed unanimously with Sen. Evans absent for the vote.

Suzanne Winter, Science Center, spoke for the bill.

**MOTION:** Sen. Peterson moved to pass the bill, as amended, with a favorable recommendation.

**MOTION:** The motion passed unanimously with Sen. Evans absent for the vote.

2. **H.B. 118 Mineral Lease Amendments** (*M. Young*)

Rep. Young explained the bill.

**MOTION:** Sen. Julander moved to pass the bill with a favorable recommendation.

The motion passed unanimously with Sen. Evans absent for the vote.

3. **H.B. 143 Voting by Secret Ballot for Persons with Disabilities** (*R. Siddoway*)

Rep. Siddoway explained the bill.

The motion passed unanimously with Sen. Evans absent for the vote.

4. **S.B. 80 County Statutes Revision** (*D. Gladwell*)

Sen. Gladwell distributed the following amendments:

1. Page 1, Line 6: After "**conveyance of**" insert "**a**" and after "**plat**" delete the comma and insert "**and**"
2. Page 1, Line 18: After "**executive.**" insert "**The act repeals certain duties of a county treasurer and a county auditor and repeals penalties for a treasurer or auditor who does not fulfill certain duties. The act modifies certain duties of a county treasurer.**"
3. Page 3, Line 63: After line 63 insert:  
"**17-24-1**, as last amended by Chapter 207, Laws of Utah 1999  
**17-24-4**, as last amended by Chapter 133, Laws of Utah 2000"

4. Page 4, Line 108: After line 108 insert:  
"59-2-1366, as last amended by Chapter 3, Laws of Utah 1988"
5. Page 5, Line 124: After line 124 insert:  
"59-2-1367, as renumbered and amended by Chapter 4, Laws of Utah 1987  
59-2-1368, as last amended by Chapter 227, Laws of Utah 1993  
59-2-1369, as renumbered and amended by Chapter 4, Laws of Utah 1987  
59-2-1370, as last amended by Chapter 3, Laws of Utah 1988  
59-2-1371, as last amended by Chapter 227, Laws of Utah 1993"
6. Page 12, Line 339: At the beginning of line 339 reinstate "date" and after "date" insert "and"
7. Page 12, Line 346: After "amount of judgment, the" insert "date and"
8. Page 14, Line 427: After "all" insert "county"
9. Page 14, Line 428: After "performed by a" bracket "registered" and insert "licensed"
10. Page 14, Line 429: After "surveyor" insert "or the surveyor's office is consolidated with another office and the officeholder is not a licensed land surveyor"
11. Page 15, Line 432: After "all" insert "county"
12. Page 15, Line 443: After "(1)(a)(vi)(A)." delete "a" and insert "the" and after "surveyor" insert "under contract with the county to perform county surveyor duties"
13. Page 17, Line 504: At the beginning of line 504 bracket "The" and insert "(1) Except as provided in Subsection (2), each"
14. Page 17, Line 505: At the beginning of line 505 delete "(1)" and insert "(a)"

15. Page 17, Line 507: At the beginning of line 507 delete "(2)" and insert "(b)" and after "obtained by the" delete "recorder" and insert "surveyor"
16. Page 17, Line 511: After "in the" delete "recorder's" and insert "surveyor's" and after line 511 insert:  
  
"(2) Subsection (1) does not apply to an ownership plat that the county recorder is required under Section 17-21-21 to prepare and keep."
17. Page 20, Line 602: After "(7)" bracket "Any" and insert "Each"
18. Page 20, Line 603: After "makes a" insert "boundary"
19. Page 23, Line 680: After line 680 insert:  
"Section 27. Section **17-24-1** is amended to read:  
**17-24-1. General duties of treasurer.**  
The county treasurer shall:  
(1) receive all money belonging to the county and all other money by law directed to be paid to the treasurer, [~~safely keep the same, and apply and pay it out and render an account thereof as required by law~~] including proceeds of bonds, notes, or other evidences of indebtedness issued under Title 11, Chapter 14, Utah Municipal Bond Act;  
(2) deposit and invest all money received under Title 51, Chapter 7, State Money Management Act;  
[(2)] (3) keep a record of the receipts and expenditures of all such money;  
[(3)] (4) disburse county money:  
(a) on a county warrant issued by the county auditor; or  
(b) subject to Sections 17-19-1, 17-19-3, and 17-19-5, by a county check or such other payment mechanism as may be adopted pursuant to Chapter 36, Uniform Fiscal Procedures Act for Counties;  
(5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13, Collection of Taxes;  
[(4)] (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have been reassigned to the treasurer in an ordinance adopted under Section 17-16-5.5;  
and

~~[(5)]~~ (7) perform ~~[such]~~ other duties ~~[as]~~ that are ~~[or may be]~~ required by law or ordinance.

Section 28. Section **17-24-4** is amended to read:

**17-24-4. Payment of warrants, checks, or other instruments.**

(1) When a warrant is presented for payment and there is money in the treasury ~~[for that purpose]~~, the treasurer shall pay it.

(2) Upon receiving the notice from the county auditor under Subsection 17-19-3(3)(b) and if there is adequate money in the treasury, the treasurer shall, by check or other payment mechanism, make any payment not already paid by warrant.

(3) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any warrant or to issue any check or other payment instrument before receiving the certified list under Subsection 17-20-1.7(4)."

- 20. Page 40, Line 1225: After "findings of" delete "fault" and insert "fact"
- 21. Page 60, Line 1834: At the end of line 1834 insert "and"
- 22. Page 60, Line 1835: After "optional plan" insert "and the study committee report"
- 23. Page 60, Line 1836: After "copy" bracket "; and" and insert a period
- 24. Page 60, Lines 1837-1839: Bracket lines 1837 through 1839
- 25. Page 64, Line 1964: Delete "tentative" and insert "proposed"
- 26. Page 67, Line 2064: After "supervise other" insert "elected"
- 27. Page 67, Line 2073: After "legislative body may" insert "issue subpoenas and"
- 28. Page 68, Line 2086: After "(2)" delete "The" and insert "A" and after "action" delete the remainder of line 2086 and insert "required by law and necessary to the full discharge of its duties"
- 29. Page 68, Line 2087: Delete line 2087

30. Page 68, Line 2088: At the beginning of line 2088 delete "to the county legislative body by statute"
31. Page 68, Line 2097: After "(3)" delete "The" and insert "A" and after "action" delete the remainder of line 2097 and insert " required by law and necessary to the full discharge of the executive's duties"
32. Page 68, Line 2098: Delete line 2098
33. Page 68, Line 2099: At the beginning of line 2099 delete "executive by statute"
34. Page 75, Line 2315: After line 2315 insert:  
"Section 79. Section **59-2-1366** is amended to read:  
**59-2-1366. Apportionment of redemption or assignment money.**  
[~~Whenever~~] (1) If property sold to the county under this title is redeemed, or the certificate of sale is assigned, the moneys received on account of the redemption or assignment shall be distributed as follows: the original and subsequent taxes, and 40% of interest, penalty, and costs of sale received shall be apportioned to the taxing entities interested, in proportion to their respective taxes, and the balance shall be paid to the county. [~~In all cases where~~]  
(2) If a sum less than the taxes, interest, penalty, and costs is accepted in settlement, the proceeds of the settlement shall be applied, first to the payment of the original and subsequent taxes, and the remainder, if any, to the payment of interest, penalty, and costs. [~~The county treasurer shall keep an accurate account of all moneys paid in redemption of property sold to the county and for assignments of certificates of sale, and shall, on the first Monday of March of each year, or at any other times the state auditor may direct, make a detailed report, verified by affidavit, of each account year to the state auditor, in a form required by the state auditor.]"~~
35. Page 77, Line 2371: After "(8)" insert "except as otherwise expressly provided by statute."
36. Page 77, Line 2379: After line 2379 insert:

"Section **59-2-1367, Duty of county treasurer.**  
Section **59-2-1368, Delict of county treasurer -- Penalty.**  
Section **59-2-1369, Duty of county auditor -- Report to state treasurer.**  
Section **59-2-1370, State auditor and state treasurer to receive duplicate copies.**  
Section **59-2-1371, Delict of county auditor -- Penalty."**

**Renumber remaining sections accordingly.**

**MOTION:** Sen. Peterson move to adopt the amendments.

The motion passed unanimously with Sen. Evans absent for the vote.

Sen. Gladwell explained the bill, assisted by Gavin Anderson, Salt Lake County Attorney.

David Thomas, Chief Deputy Attorney, Summit County, spoke for the bill.

**MOTION:** Sen. Peterson moved to amend as follows:

Page 29, Line 873:       After "statute" insert "or ordinance"

Page 38, Line 1144:     After "statute" insert "or ordinance"

The motion passed unanimously with Sen Evans absent for the vote.

Vaughn Butler, Salt Lake County Surveyor, spoke to the bill and requested a change in one section.

**MOTION:** Sen. Jenkins moved to moved to pass the bill, as amended, with a favorable recommendation.

The motion passed unanimously.

**5.   S.B. 23 Special District and Local District Amendments (D. Gladwell)**

**MOTION:** Sen. Gladwell moved to adopt **1<sup>st</sup> Sub S.B. 23.**

The motion passed unanimously.

Sen. Gladwell explained the bill.

Craig Moody, Sandy City, and Michael Mazuran, Attorney, Cottonwood Heights, spoke to the bill.

Patrick Casaday,

Deputy Mayor, Sandy City, spoke to the bill and raised concerns.

**MOTION:** Sen. Evans moved to amend the bill as follows:

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|--------------------------------|--|
| 1. Page 3, Line 74:            | Delete Line 74 and renumber accordingly.                 |
| 2. Page 3, Line 83:            | Delete Line 83 and renumber accordingly.                 |
| 3. Page 45, Lines 1370 & 1371: | Delete Lines 1370 and 1371, and renumber accordingly.    |
| 4. Page 45, Lines 1382-1384:   | Delete Lines 1382 through 1384 and renumber accordingly. |

The motion passed unanimously.

Jan Furner, Utah Association Special Districts, spoke for the bill.

**MOTION:** Sen. Evans moved to moved to pass the bill, as amended, with a favorable recommendation.

**SUBSTITUTE MOTION:** Sen. Julander moved to hold the bill until next committee meeting and put it first on the agenda.

The motion failed with Sens. Julander and Peterson voting in favor, and Sens. Evans, Jenkins and Walker voting against.

The committee returned to the original motion to pass the bill, as amended, with a favorable recommendation.

The motion passed with Sens. Evans, Jenkins, and Walker voting in favor, and Sens. Julander and Peterson voting against.

**MOTION:** Sen. Jenkins moved to adjourn.

Meeting adjourned at 9:25 a.m.



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Minutes reported by Nadine Woodhead

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Sen. Carlene Walker, Committee Chair

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